

RESOLUTION NO. 54-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND TO SUBMIT TO THE CITY OF RICHMOND ELECTORATE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, A MEASURE TO ADOPT A PROPOSED CITY OF RICHMOND CHARTER AMENDMENT TO REQUIRE A PRIMARY ELECTION BE HELD BEFORE THE GENERAL ELECTION

WHEREAS, the Richmond City Council has determined to submit to the voters at the November 5, 2024, General Election, a measure to adopt a proposed City of Richmond Charter Amendment to Require a Primary Election be held before the General Election; and

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Contra Costa County Clerk Recorder-Elections Division has been requested to consolidate the City of Richmond General Election with the General Election to be held November 5, 2024; and

WHEREAS, the Council desires to submit this initiative measure to be placed upon the ballot at said consolidated election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richmond, as follows:

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. At the General Election to be held in the City on Tuesday, November 5, 2024, the following initiative measure shall be submitted:

“Shall the Charter of the City of Richmond be amended to reform the election process in the City of Richmond to improve accountability, governance, and strengthen representation by adding a nonpartisan primary municipal election to the City’s election process?”

Section 3. The City Clerk of the City of Richmond is hereby ordered and directed to cause said proposed measure to be printed and to mail a copy of said measure to all registered voters in the City of Richmond with their sample ballots in substantially the form set forth in **Exhibit A**, attached hereto.

Section 4. The City Clerk is ordered to have the full text of the measure available for review in the Office of the City Clerk and at the City of Richmond’s webpage.

Section 5. The City Clerk of the City of Richmond is hereby authorized to sign a Notice of Measure To Be Voted On in a form substantially similar to that attached hereto as Exhibit B. The Clerk of the City is hereby authorized and directed to publish said Notice of Measure To Be Voted On in the EAST BAY TIMES, a newspaper of general circulation circulated within the City of Richmond, in accordance with the provisions of Section 12114 of the Elections Code of the State of California.

Section 6. The Clerk of the City is hereby authorized and directed to cause to be delivered, no later than August 9, 2024, (which date is not fewer than 88 days prior to the date set for the General Election), one copy of this Resolution to the Registrar of Voters of the County.

Section 7. The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (30) days of the adoption of this resolution.

Section 8. The Finance Director of the City is hereby authorized and directed to prepare and file with the Registrar of Voters an impartial analysis of the measure contained in Section 2 hereof covering its financial impact upon the City government in accordance with Section 2.16.070 of the Municipal Code of the City, within the time established by the Registrar of Voters.

Section 9. Pursuant to Section 9282 of the Elections Code of the State of California, the legislative body of the City of Richmond, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measure.

Section 10. This resolution shall take effect immediately upon its adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 18, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda,
Vice Mayor Jimenez, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney



State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 54-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on June 18, 2024.

Pamela Christian
Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

RECEIVED
CITY CLERK'S OFFICE
CITY OF RICHMOND

CITY OF RICHMOND CHARTER AMENDMENT INITIATIVE

2023 SEP 22 AM 11:31

“The Richmond Election Reform Act”

INITIATIVE TEXT

The people of the City of Richmond do ordain as follows:

SECTION 1. Title

This Act shall be known and may be cited as “The Richmond Election Reform Act.”

SECTION 2. Purpose and Intent

This initiative seeks to reform the election process in the City of Richmond to improve accountability, governance, and strengthen representation. Currently, a candidate for City Council or Mayor can be elected to office with less than a majority of the vote cast. To represent the will of at least the majority of the voters, City Councilmembers and the Mayor should not be elected to office without receiving a majority of the vote cast for that elective office.

The initiative will add a nonpartisan primary municipal election to the City’s election process whereby all qualified voters residing in a City Council district may vote for any one candidate running for that City Council seat and, if no single candidate receives a majority of the vote, the top two candidates in the primary municipal election (receiving the highest and second highest votes) for each City Council seat will subsequently appear on the general municipal election ballot. The initiative will also enable all eligible registered voters residing in the City at large to vote for any one candidate running for Mayor and, if no single candidate receives a majority of the vote, the top two candidates in the primary municipal election (receiving the highest and second highest votes) for the office of Mayor will subsequently appear on the general municipal election ballot.

The addition of a primary municipal election to the City’s election process will allow City voters to better scrutinize and select qualified candidates, encourage candidates to be more responsive to the residents of the City, and may increase voter participation. That being said, if any candidate for an elective office at the primary municipal election receives a majority of the total votes cast for that office, that candidate shall be elected to such office and no further election for that office will be held at the subsequent general municipal election. This initiative also provides updates to the procedure for holding vacancy elections in the City.

SECTION 3. Article III-B is added to the Richmond City Charter, as follows:

ARTICLE III-B

Sec. 1. Municipal Elections. Beginning in the year 2026, regular municipal elections held in the City of Richmond shall be classified as primary municipal elections and general municipal elections. Any other municipal election that may be held by authority of this Charter, the Constitution of the State of California, or any law under which the City may

act shall be a special municipal election. A special municipal election may be called by the City Council by ordinance or resolution. Unless otherwise provided by this Charter and by ordinance or resolution of the City Council, all regular and special municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing municipal elections. The conduct of all City elections shall be under the control of the City Council, and the City Council shall, by ordinance or resolution, provide for the holding of each City election.

Sec. 2. City Primary Municipal Election and General Municipal Election.

- (a) Notwithstanding any other provision herein and beginning in the year 2026, a City primary municipal election shall be held in each even year, coinciding with the date of the statewide primary election, in those districts of the City wherein the term of office of Councilmember expires on the second Tuesday in January following the general municipal election (or on such other date as set forth in this City Charter), or citywide when the term of office of the Mayor expires on the second Tuesday in January following the general municipal election (or on such other date as set forth in this City Charter), for the purpose of nominating candidates to be voted on at the general municipal election and for such other purposes as the City Council may prescribe.
- (b) The two candidates receiving the highest number of votes at the primary municipal election for the office of Mayor, or for a seat on the City Council, shall be candidates for the general municipal election and only their names shall be printed upon the ballot to be used in the general municipal election. Any candidate who, at the primary municipal election, shall receive a majority of the total votes cast for candidates for said office shall be elected to such office and no further election for such office shall be held at the next general municipal election.
- (c) Beginning in the year 2026, a general municipal election shall be held in each even year, coinciding with the date of the statewide general election, in those districts of the City wherein the term of office of Councilmember expires on the second Tuesday in January following the general municipal election (or on such other date as set forth in this City Charter) or citywide when the term of office of Mayor expires on the second Tuesday in January following the general municipal election (or on such other date as set forth in this City Charter)
- (d) Any qualified voter who resides in a City Council district who desires to be a candidate for the office of a member of the City Council from that district to be filled at such general municipal election, or any qualified voter who is a resident of the City who desires to become a candidate for Mayor when that office is to be filled at such general municipal election, shall file with the City Clerk, in the period prescribed by the California Elections Code prior to a primary municipal election, a nomination paper signed by not less than 20 nor more than 30

qualified voters of the City Council district that is the subject of the election; or, for the office of Mayor, a nomination paper signed by not less than 40 nor more than 60 qualified voters of the City; and accompanied by a filing fee as provided in this Charter and the Richmond Municipal Code.

SECTION 4. This section of the initiative measure amends the Charter of the City of Richmond; therefore, existing provisions to be deleted are printed in ~~strikeout~~ type and new provisions to be added are printed in underlined type to indicate they are new.

Section 10 of Article III of the Richmond City Charter is amended to read, as follows:

Sec. 10. A vacancy in the Council shall be filled by a majority vote of the remaining Councilmembers; provided, that if such vacancy is not filled by appointment within sixty (60) days after the vacancy occurs, then a special general municipal election shall immediately be called by the Council to elect a Councilmember to serve for the unexpired term of the former incumbent, with the special general municipal election to be held on a Tuesday at least 126 days, but not more than 140 days, following Council action calling the special general municipal election; provided further, that if a special general municipal election is required to be held, the Council may, by resolution, consolidate ~~it~~ the special general municipal election as provided in this section with an election of the City or of any other public agency if the next election of this City or of any other public agency is to be held within 365 days from the date of vacancy.

If a special general municipal election is called, a special primary municipal election shall be held on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general municipal election at which the vacancy is to be filled. Candidates in the special primary municipal election shall be nominated in the manner set forth in Article III-B Sec. 2(d) of this Charter, except that nomination papers shall not be circulated more than 73 days before the special primary municipal election, and shall be filed with the election official for examination not less than 53 days before the special primary municipal election. All candidates shall be listed on one ballot and if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general municipal election shall be held. If no candidate receives a majority of votes cast, the names of the candidates who receive the highest and second highest number of votes cast at the special primary municipal election shall be placed on the special general municipal election ballot. In the case of a tie vote, subdivision (a) of Section 8142 of the California Elections Code shall apply.

Any person appointed to fill a vacancy shall hold office until the second Tuesday in January following the next regular general municipal election (or on such date as set forth in this City Charter) in which Councilmembers are to be elected, at which time if the term of the office for which the vacancy was filled has not yet expired, a special municipal general election for that seat shall be scheduled on the date of the aforementioned regular general municipal election and a person shall be selected to serve the remainder of the unexpired term.

If insufficient time exists for a special primary municipal election to proceed pursuant to the time frames set forth in the preceding paragraph, then the special primary municipal election shall be scheduled on the date of the next regular general municipal election and, if no candidate receives a majority of votes cast, the names of the candidates who receive the highest and second highest number of votes cast at the special primary municipal election shall be placed on a special general municipal election ballot in an election to be held on the 8th Tuesday following the special primary municipal election or, if the 8th Tuesday is the day of or the day following a state holiday, the 9th Tuesday following the day of the special primary municipal election

For purposes of this section a vacancy shall be deemed to exist if a Councilmember, without the permission of the Council, absents himself or herself from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended.

Subdivision (e) of Section 3 of Article III-A of the Richmond City Charter is amended to read, as follows:

On the first Tuesday following the first Monday of November, 2006, an election shall be held for the election of a Mayor to succeed the Mayor whose term expires. Beginning in the year 2026, Thereafter, the election of a Mayor to succeed the Mayor whose term expires shall be held in accordance with Article III-B of this City Charter on the first Tuesday following the first Monday in November in every other even-numbered year. The Mayor whose term expires in November, 2005, shall remain in office and his term shall not expire until after the November, 2006, election for Mayor. The term of office of the Mayor shall commence on the second Tuesday in January following his or her election.

Section 5 of Article III-A of the Richmond City Charter is amended to read, as follows:

Sec. 5. Filling Vacancy in the Office of Mayor. If there is a vacancy in the office of Mayor, the Vice Mayor shall serve as the Mayor until a new Mayor is elected and takes office. A special general municipal election shall promptly be called by the City Council and held to elect a new Mayor, to serve for the unexpired term of the former Mayor, on a Tuesday at least 126 days, but not more than 140 days, following Council action calling the special general municipal election within a period of 180 days from the date of the vacancy unless a regular election is scheduled to be held to elect a Mayor within 365 days from the date of the vacancy. If ~~such~~ a special general municipal election is required to be held, the City Council may, by resolution, consolidate it the special general municipal election as provided in this section with an election of this City or of any other public agency if the next election of this City or of the other public agency is to be held within 365 days from the date of the vacancy.

If a special general municipal election is called, a special primary municipal election shall be held on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the

vacancy is to be filled. Candidates in the special primary municipal election shall be nominated in the manner set forth in Article III-B Sec. 2(d), except that nomination papers shall not be circulated more than 73 days before the special primary municipal election, and shall be filed with the elections official for examination not less than 53 days before the special primary municipal election. All candidates shall be listed on one ballot and if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general municipal election shall be held. If no candidate receives a majority of votes cast, the names of the candidates who receive the highest and second highest number of votes cast at the special primary municipal election shall be placed on the special general municipal election ballot. In the case of a tie vote, subdivision (a) of Section 8142 of the Elections Code shall apply.

If insufficient time exists for a special primary municipal election to be held pursuant to the time frames set forth in the preceding paragraph, then the special primary municipal election shall be scheduled on the date of the next regular general election and, if no candidate receives a majority of votes cast, the names of the candidates who receive the highest and second highest number of votes cast at the special primary municipal election shall be placed on a special general municipal election ballot in an election to be held on the 8th Tuesday following the special primary municipal election or, if the 8th Tuesday is the day of or the day following a state holiday, the 9th Tuesday following the day of the special primary municipal election.

Any such special primary municipal election and special general municipal election shall be held in accordance with applicable general laws of the State of California governing elections within municipalities unless otherwise provided by this Charter or by ordinance adopted by the City Council.

For purposes of this section, a vacancy shall be deemed to exist if the Mayor, without the permission of the Council, absents himself from all regular City Council meetings for 30 days consecutively from the last regular meeting he attended.

SECTION 5. Conflicting Measures. The People of the City find and declare that the provisions of this initiative may conflict with one or more provisions of other initiative measures. It is the intent of the People that if the initiative receives a greater number of affirmative votes than a conflicting measure at the same election, this initiative shall prevail in its entirety over a conflicting measure.

SECTION 6. Severability. If any provision, section, paragraph, sentence, phrase, or word of this initiative is rendered or declared invalid, illegal, or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, such unconstitutionality, illegality, or invalidity shall only affect such provision, section, paragraph, sentence, phrase, or word and shall not affect or impair any remaining provisions, sections, paragraphs, sentences, phrases, or words, or the application of the initiative to any other person or circumstance, and to that end, the provisions hereof are severable. It is hereby declared to be the intention of the People of the City that the initiative would have been adopted had such unconstitutional, illegal, or invalid provision, section, paragraph, sentence, phrase, or word not been included herein.

SECTION 7. Liberal Construction. This initiative shall be liberally construed to effectuate its purposes.

SECTION 8. Legal Defense. If approved by a simple majority of voters, and thereafter challenged in court of competent jurisdiction, the City shall defend the initiative in such court of competent jurisdiction. The People of the City by approving this initiative by a simple majority of votes hereby declare that the proponent(s) of the initiative have a direct and personal stake in defending the initiative from constitutional or statutory challenges to the initiative's validity or implementation. In the event the City fails to defend the initiative, or the City fails to appeal an adverse judgment against this initiative, in whole or in part, in any court of competent jurisdiction, the initiative's proponent(s) shall be entitled to assert their direct personal stake by defending the initiative's validity and implementation in any court of competent jurisdiction and shall be empowered by the People through this initiative to act as agents of the People of the City, and the City shall indemnify the proponent(s) for reasonable attorneys' fees.

SECTION 9. Effective Date. If a majority of the voters voting at an election on this charter amendment vote in its favor, its provisions shall become operative on January 1, 2026.

EXHIBIT B

Notice of Election and Measure To Be Voted On

CITY OF RICHMOND

**NOTICE OF A MUNICIPAL ELECTION
AND MEASURE TO BE VOTED ON**

NOTICE IS HEREBY GIVEN that a General Election will be held in the City of Richmond on Tuesday, November 5, 2024, at which time there will be submitted to the voters the following measure:

“Shall the Charter of the City of Richmond be amended to reform the election process in the City of Richmond to improve accountability, governance, and strengthen representation by adding a nonpartisan primary municipal election to the City’s election process?”

The Initiative Election has been consolidated with the General Election to be held in the City of Richmond, November 5, 2024. The election precincts within the City of Richmond for the Initiative Election shall be the regular election precincts established for said General Election, and the polling places and officers of election within the City of Richmond for the Initiative Election shall be the same as those selected and designated or to be selected and designated for said General Municipal Election.

NOTICE IS FURTHER GIVEN pursuant to Article 4, Section 9282 of the Elections Code of the State of California, the legislative body of the City of Richmond, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measures.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed Wednesday, August 21, 2024, during normal office hours, 8:30 a.m. to 5:00 p.m., as the date after which no arguments for or against the City measures may be submitted to the Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, at the Richmond City Hall, 450 Civic Center Plaza, Suite 300, Richmond, California. No more than five signatures may appear on the argument.

NOTICE IS FURTHER GIVEN that the City Council of the City of Richmond has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk by Monday, August 26, 2024, during normal office hours, 8:30 a.m. to 5:00 p.m., accompanied by the printed names (s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. No more than five signatures may appear on the rebuttal.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code 9295 will be available for the 10-calendar-day public examination in the City Clerk’s office from Tuesday, August 27, 2024, to Thursday, September 5, 2024. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk’s Office Tuesday, August 27, 2024, to Thursday, September 5, 2024.

The polls will be open on Election Day, November 5, 2024, between the hours of 7:00 a.m. and 8:00 p.m.

Pamela Christian
Clerk of the City of Richmond
City Elections Official

NOTA:

Si desea obtener informacion en Espanol de este aviso legal, puede llamar a la Oficina de la Secretaria Municipal, (510) 620-6513, Ext. 9.

Dated:
Publish: